

OGC 64-0670

11 March 1964

MEMORANDUM FOR: Special Support Assistant to the Deputy
Director (Support)

SUBJECT: Shipment of HHE from Washington to Home-Leave
Point for Returning Dependents of Employee in

25X1

1. This is in response to your request for legal advice on the following problem. In accordance with the current policy of encouraging the return of Government dependents from [] the dependents of one 25X1 Agency employee are returning to this country in the next few days and will live in [] which I presume is the home-leave point for that employee. It is desired to remove the HHEs of that employee from storage here in Washington and ship them [] 25X1 The question is as to the authority to pay for that shipment, the Station having requested permission to do so "within the authority and intent of" Agency and State cables which establish policy of encouraging evacuation and of giving all possible assistance. It is expected that there will be similar cases in the near future. The question thus is one of general application.

2. The Agency travel regulations provide for the shipment of effects to an overseas post, the storage of effects in lieu of shipment, and the shipment of some and the storage of others. However, they do not provide for storage for a period of time and later shipment on to the overseas post. (The significance of the latter is that if there were such an authority, it might be possible to also ship to a spot nearer than the overseas post.) Since the employee did not have the option to ship his HHEs to [] (Government quarters are furnished), it would not be appropriate to allow him to so opt at this time and ship his HHEs part way, namely to []

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3. There is also available under Public Law 87-304 a special allowance designed "to offset any direct added expenses which are incurred" by an employee when he is evacuated from a dangerous or troubled area under certain circumstances. This authority, however, is not helpful in the present instance because it is available for payments only in the case of an "evacuated employee" (emphasis applied). Also, authority available under this statute contemplates evacuation pursuant to order. I would assume we could work up a rationale to comply with this requirement, or perhaps an evacuation order could be issued, but the fact that the employee is not evacuated would preclude the utilization of the authority of this statute.

4. The separate maintenance allowance under section 260 of the Standardized Regulations (Government Civilians, Foreign Areas) is specifically designed for situations of this nature, among others. The amounts are set further in section 943 of those Regulations.

5. Additionally, "special cost-of-living allowances" are provided for by the Emergency and Evacuation Manual, published by the Department of State. That Manual authorizes allowances for employees of the Government. Under section 332.11 the allowances will be authorized "in lieu of per diem or separation allowance." Under section 332.12 the special cost-of-living allowances may be set, by the Department, as high as the maximum per diem rate for the safe-haven post involved, for the first 30 days, and thereafter at two-thirds of the maximum rate. That section also provides that the amount actually paid the employee shall be at the maximum rate set for that safe-haven post or at a lower rate if "in the judgment of the authorizing officer, such lower rate would be more in line with the employee's necessary living expenses." Thus the authority of section 332 of the Emergency and Evacuation Manual could be utilized in such a way as to substantially compensate the employee for the shipment of his household effects in this and similar instances.

Associate General Counsel

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